

## **Remarks**

### **1. Summary of Office Action**

In the Office Action mailed November 27, 2007, the Examiner rejected claims 1-15 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Pub. No. US 2002/0126701 (Requena).

### **2. Status of the Claims**

Currently pending are claims 1-15, of which claim 1 is independent, and the remainder are dependent.

Applicants have amended claim 1 to more particularly point out and distinctly claim the subject matter they regard as their invention. Specifically, Applicants have further defined the element that recites “provisioning a first communication between a first user terminal and a predetermined network device” to include the limitation “by allocating at least one resource of the predetermined network device to the first communication session.” Applicants have similarly further defined the element that recites “provisioning a second communication between a second user terminal and the predetermined network device” to include the limitation “by allocating at least one resource of the predetermined network device to the second communication session.”

This amendment makes explicit the association of at least one resource of the predetermined network device with each of the first and second communication session. A communication session between the predetermined network entity and either of the first or second user terminals is thus identified both as a distinct context within which communication may occur and as a construct to which at least one resource of the predetermined network entity is allocated. Support for this amendment may be found in the original specification at page 12,

lines 10-23, for example. Numerous other examples of resources used in support of communication sessions may be found elsewhere in the original specification.

### **3. Response to Rejections under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-15 under 35 U.S.C. § 102(e) as allegedly being anticipated by Requena. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants submit that Requena does not teach all the elements of any of claims 1-15, and that the Examiner's rejections are therefore improper. Applicants' arguments are presented first with respect to claim 1, but apply to claims 2-15 as subsequently discussed.

**Requena does not teach “provisioning a first communication session between a first user terminal and a predetermined network device by allocating at least one resource of the predetermined network device to the first communication session.”**

Requena teaches a system and methods for using application layer signaling and control in support of presence services. In particular, Requena discloses (e.g., Abstract) that “application layer signaling is provided from users registering at a presence server for a presence service wherein upon reception the signaling is checked for spatial location information and stored for future use in providing the presence service in association with other user information, such as user identity... The presence service may provide access to the spatial location information to one or more location based services either openly or confidentially by hiding the user's identity and other information. The spatial location information may also be used in conjunction with a messaging service for providing messages to the users with enhanced functionality.” As such, Requena is concerned with managing and providing presence-related information, such as location and availability, in support of various other services.

More specifically, Requena discloses signaling used for registering users with one or more types of servers in support of presence services (e.g., paragraphs 182-186). Additionally, it

is clear from the review of SIP in Requena (e.g., paragraphs 74-92), as well as from paragraphs 73, 73, 75, 92, 109, and 212, to name a few, that a “session” has a specific meaning in the context of the teachings in Requena. For instance, in paragraph 75, Requena discloses that SIP “is an application-layer control protocol that can establish, modify and terminate multimedia sessions or calls.” Yet nowhere does Requena teach provisioning a communication session between a user terminal and a predetermined network device by allocating at least one resource of the predetermined network device to the communication session. At most, Requena discloses in paragraphs 212-215 that a SIP INVITE is issued by a user in order to request information about a service. However, the session that is opened (paragraph 212) is immediately closed (paragraph 215) upon the return of the requested information *within the signaling messages of the transaction*. Thus, this session disclosed in Requena is in a sense virtual, serving only to provide a response to a user request within the signaling transaction that opens then closes the session. Requena does not teach an association of any media or communication within the context of the session itself. Indeed, the transaction disclosed in Requena does not provision a communication session, much less involve allocating at least one resource of a predetermined network device to the communication session.

In contrast, claim 1 expressly recites, *inter alia*, “provisioning a first communication session between a first user terminal and a predetermined network device by allocating at least one resource of the predetermined network device to the first communication session.” As described above, a communication session is a distinct context within which communication may occur, a SIP session being just one example. In view of the discussion above of Requena, Applicants submit that Requena lacks any teaching of provisioning a communication session between a first communication device and a predetermined network device.

Moreover, as recited in claim 1, provisioning of the first communication session involves allocation of at least one resource of the predetermined network device to the session. Thus, not only does Requena fail to teach “provisioning a first communication session between a first user terminal and a predetermined network device,” but there is also no teaching or disclosure in Requena of “allocating at least one resource of the predetermined network device to the first communication session.”

**Requena does not teach “provisioning a second communication session between a second user terminal and the predetermined network device by allocating at least one resource of the predetermined network device to the second communication session.”**

For at least the reasons discussed in connection with a first communication session and a first user terminal, Requena also fails to teach “provisioning a second communication session between a second user terminal and the predetermined network device by allocating at least one resource of the predetermined network device to the second communication session.”

Further, even beyond failing to separately teach “provisioning a first communication session between a first user terminal and a predetermined network device by allocating at least one resource of the predetermined network device to the first communication session,” and “provisioning a second communication session between a second user terminal and the predetermined network device by allocating at least one resource of the predetermined network device to the second communication session,” Requena very clearly fails to teach any two such limitations as combined steps of a single method. That is, claim 1 recites, in one way or another, that the first and second communication sessions are respectively provisioned between the predetermined network device and the first and second user terminals such that both communication sessions are concurrent during at least some portion of time. Thus, Requena not only fails to teach any one communication session provisioned between a predetermined network

device and a user terminal, but also necessarily fails to teach two such sessions having any overlap in time.

**Requena does not teach “bridging the first communication session to the second communication session on the predetermined network device.”**

In view of the failure discussed above of Requena to teach provisioning of either of the first or second communication sessions between a predefined network device and a first and second user terminal, as well the then necessary failure of Requena to teach two such sessions having any overlap in time, Requena also necessarily fails to teach “bridging the first communication session to the second communication session on the predetermined network device.” While the Examiner asserted that paragraphs 221-226 in Requena do teach this limitation of claim 1, Applicants submit that these paragraphs merely disclose a message exchange based on SIP SUBSCRIBE and NOTIFY methods. As is known in the art, these messages do not by themselves involve any communication session, and indeed may be used to exchange information without a communication session ever being provisioned. Applicants therefore respectfully submit that the Examiner’s interpretation of paragraphs 221-226 as having relevance to claim 1 is in error.

In view of the discussion above, Applicants submit that Requena fails to teach each and every element as set forth in claim 1, and that claim 1 is therefore allowable. Each of claims 2-15 depend from claim 1, which is allowable for at least the reasons discussed above. Applicants submit that for at least the reason that they depend from an allowable claim, claims 2-15 are allowable as well. Further, Applicants do not concede any of the Examiner’s specific assertions with respect to claims 2-15.

#### **4. Conclusion**

Applicants respectfully submit that, in view of the remarks above claims 1-15 are in condition for allowance and solicit action to that end. If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-3353.

Respectfully submitted,

**McDonnell Boehnen  
Hulbert & Berghoff LLP**

Date: March 27, 2008

By: /David A. Grabelsky/  
David A. Grabelsky  
Reg. No. 59,208